

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

FRANK BRETT,
Plaintiff

v.

DOUG BARGER,
Defendant

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No. 1:15-cv-2383

(Judge Kane)
(Magistrate Judge Schwab)

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On December 14, 2015, Plaintiff Frank Brett filed a complaint pursuant to 42 U.S.C. § 1983 against Defendant Doug Barger, director of Harrisburg's Bethesda Mission. (Doc. No. 2 at 1.) On December 16, 2015, Magistrate Judge Schwab screened the complaint, found Plaintiff's complaint defective, and ordered Plaintiff to file an amended complaint within thirty days. (Doc. No. 3 at 1-2.) Plaintiff did not file an amended complaint.

On May 24, 2016, Magistrate Judge Schwab issued a Report and Recommendation, recommending that the complaint be dismissed pursuant to 28 U.S.C. § 1915(e)(2). (Doc. No. 4.) On June 2, 2016, the Clerk's Office received a returned envelope and was notified that the United States Postal Service was unable to forward the Report and Recommendation to the address, 611 Riley Street, Harrisburg, Pennsylvania 17110. (Doc. No. 5.) This Court directed the Clerk of Court to mail the Report and Recommendation to the mailing address Plaintiff Frank Brett provided in his complaint (Doc. No. 2 at 1), 611 Reily Street, Harrisburg, Pennsylvania, 17102 (Doc. No. 6). On June 27, 2016, the Clerk's Office again received a return envelope stamped "return to sender, attempted - not known, unable to forward." (Doc. No. 7.) No timely objections to the Report and Recommendation have been filed.

AND SO, on this 12th day of July 2016, having unsuccessfully attempted to mail the Report and Recommendation to Plaintiff's address on file and received no timely objections, **IT IS HEREBY ORDERED THAT:**

1. The Court adopts the Report and Recommendation (Doc. No. 4) of Magistrate Judge Schwab;
2. Petitioner's complaint (Doc. No. 2) is **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2);
3. Having been previously granted leave to amend his complaint and having failed to cure the defects noted in Magistrate Judge Schwab's December 16, 2015 order (Doc No. 3), Plaintiff is **DENIED** leave to amend because further leave to amend would be futile; and
4. The Clerk of Court is directed to **CLOSE** the above-captioned case.

S/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania